

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)
 Chi-Jung Huang) Confirmation Number: 8945
 Serial No.: 10/646,141) Examiner: Iwarere, Oluseye
 Filed: August 22, 2003) Group Art Unit: 4127
 For: Method And System Of Matching) TKHR Docket No.: 252011-1200
 Customer Demand With Production) Top-Team Ref: 0503-9730US
 Capacity)

Mail Stop 16
Director of the US Patent and
Trademarks Office
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Refund Section, Accounting Division, Office of Finance
REQUEST FOR REFUND
(37 C.F.R. 1.28(a))

I. SUBMISSION OF SMALL ENTITY ASSERTION

Attached is an assertion of small entity status in this application.
 An assertion of small entity status was filed in this application on _____.

II. REFUND REQUEST

This request for refund is made within three months of the date a fee was paid in this application on (date) July 30, 2010 in the amount of \$ 130.00.

NOTE: *The two-month period (§ 1.28(a)) is not included in the provisions for extension under 37 C.F.R. 1.136 since it is not a period for response. Notice of November 30, 1983, 49 FR 548, January 4, 1984.*

III. FEES PAID FOR WHICH REFUND REQUESTED

	AMOUNT OF REFUND REQUESTED
<input type="checkbox"/> filing fee	\$ _____
<input type="checkbox"/> surcharge for filing the basic filing fee on a date later than the filing date of the application (37 CFR 1.16(e)) and/or	\$ _____
<input type="checkbox"/> surcharge for filing the oath or declaration on a date	

PATENT

later than the filing date of the application (37 CFR

<input checked="" type="checkbox"/>	1. 1 6(e))	\$	
<input type="checkbox"/>	extension of term	\$	
<input type="checkbox"/>	issue fee	\$	<u>130.00</u>
<input type="checkbox"/>	patent maintenance fee	\$	
<input type="checkbox"/>	first maintenance fee	\$	
<input type="checkbox"/>	second maintenance fee	\$	
<input type="checkbox"/>	third maintenance fee	\$	
<input type="checkbox"/>	patent maintenance fee surcharge.	\$	

NOTE: The refund provisions of § 1.28(a) for later submitted small entity statements apply to maintenance fees. Notice of July 30, 1984, 1046 O.G. 28-37

On June 2, 2010, a Notification of Non-Compliant Appeal Brief was mailed from the PTO. A response was due by July 2, 2010. In the meantime, the Examiner contacted the undersigned and agreed to an examiner's amendment that would place the application in condition for allowance. The Examiner is to mail a Notice of Allowance, which would obviate the appeal, and make responding to the Notification unnecessary. This agreement is embodied in the email string attached hereto as Exhibit A. To date, however, this has not happened, and the undersigned filed a written response (with a petition for a one-month extension of time) in order to avoid enter the second month extension period. This action should not have been required, and therefore the undersigned hereby petitions for a refund of the government fee for the extension.

TOTAL REFUND REQUESTED \$ 130.00

IV. MANNER OF REFUND

Please make refund by:

- Deposit Account No. .
- Credit card as used to make initial payment.
- Refunding overpayment

Respectfully submitted,

/Daniel R. McClure/

Daniel R. McClure, Reg. No. 38,962

THOMAS, KAYDEN, HORSTEMEYER

600 Galleria Parkway, Suite 1500
Atlanta, Georgia 30339-5948
770-933-9500

From: Iwarere, Oluseye [mailto:Oluseye.Iwarere@USPTO.GOV]
Sent: Tuesday, July 06, 2010 9:35 AM
To: McClure, Dan
Subject: RE: Serial No. 10/646,141; Attorney Ref. 252011-1200

Hello Dan,

I sent out a notice of allowability on 6/7/2010, apparently there were some issues with a form and I am working to resolve this situation quickly. The allowance should stand.

Seye Iwarere
Patent Examiner, Art Unit 3687

United States Patent & Trademark Office
(571) 270-5112

From: McClure, Dan [mailto:Dan.McClure@tkhr.com]
Sent: Wednesday, June 30, 2010 12:43 PM
To: Iwarere, Oluseye
Subject: RE: Serial No. 10/646,141; Attorney Ref. 252011-1200

Examiner Iwarere:

Can you let me know the status of this? We received a Notification of Non-Compliant Appeal brief, mailed June 2, and we must file a response by July 2. Obviously, if an Examiner's amendment and allowance are going to be entered, then we don't want to have to file the corrective brief.

Regards,
Dan
Reg. No. 38,962

From: McClure, Dan
Sent: Monday, June 07, 2010 11:30 AM
To: 'Iwarere, Oluseye'
Subject: RE: Serial No. 10/646,141; Attorney Ref. 252011-1200

Examiner Iwarere:

Yes. These amendments are approved.

regards,
Dan
Reg. No. 38,962

Exhibit A

From: Iwarere, Oluseye [mailto:Oluseye.Iwarere@USPTO.GOV]
Sent: Monday, June 07, 2010 11:28 AM
To: McClure, Dan
Subject: RE: Serial No. 10/646,141; Attorney Ref. 252011-1200

Dan,

Thank you for your continued correspondence. The initial examiner's amendment to overcome 101 issues was not sufficient, because the computer was in a potentially trivial step. Therefore, I would like to propose the following amendment to put the computer in each significant step, in order to insure that the machine is performing these steps.

Do you approve these amendments?

1. (currently amended) A computer-implemented method of matching customer demand with a manufacturer supply of products from plurality of factory facilities, comprising using a computer to perform the steps of:

inputting demand data, using the computer, for a demand of at least one product requested by at least one customer and supply data corresponding to a production capacity of the factory facilities;

performing a first matching operation, using the computer, to match the demand data with the supply data to obtain a first demand-supply matching result;

collecting rematched demand data, using the computer, corresponding to a portion of the demand unsatisfied by the first matching operation from the demand data and collecting rematched supply data corresponding to a portion of the production capacity unused in the first matching operation from the supply data;

classifying the rematched demand data, using the computer, into a plurality of classified demand data records according to at least one attribute of the at least one product and the at least one customer corresponding thereto, the classified demand data having different priorities wherein new customers and manufacturing processes are highest priority, existing customers and new manufacturing processes are next priority, and existing customers and manufacturing processes are lowest priority; and

performing a second matching operation, using the computer, to match the classified demand data with the rematched supply data based on the priorities of the classified demand data to obtain a second demand-supply matching result.

Thanks,

Seye Iwarere
Patent Examiner, Art Unit 3687

United States Patent & Trademark Office
(571) 270-5112

From: McClure, Dan [mailto:Dan.McClure@tkhr.com]
Sent: Friday, June 04, 2010 9:34 AM
To: Iwarere, Oluseye

Cc: Gart, Matthew S (AU3687)
Subject: RE: Serial No. 10/646,141; Attorney Ref. 252011-1200

Hi Examiner Iwarere:

I have just heard back from the Applicant, and they are agreeable to your proposed amendment, if it will place the application in condition for allowance. Also, I understand (and agree) that you can further amend the claim to specify that the step of "inputting the demand data, using the computer, for a demand..." for purposes of satisfying 101 issues.

Please let me know if you have any further questions. Otherwise, you may proceed with an appropriate Examiner's amendment.

best regards,
Dan

Dan McClure
Reg. No. 38,962

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Atlanta, Georgia 30339-5994
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tkhr.com

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From: Iwarere, Oluseye [mailto:Oluseye.Iwarere@USPTO.GOV]
Sent: Wednesday, June 02, 2010 3:25 PM
To: McClure, Dan
Cc: Gart, Matthew S (AU3687)
Subject: RE: Serial No. 10/646,141; Attorney Ref. 252011-1200

Hello Dan,

Are you comfortable with the following claim amendment to further distinguish the "different priorities"?

1. (currently amended) A computer-implemented method of matching customer demand with a manufacturer supply of products from plurality of factory facilities, comprising using a computer to perform the steps of:

inputting demand data for a demand of at least one product requested by at least one customer and supply data corresponding to a production capacity of the factory facilities;

performing a first matching operation to match the demand data with the supply data to obtain a first demand-supply matching result;

collecting rematched demand data corresponding to a portion of the demand unsatisfied by the first matching operation from the demand data and collecting rematched supply data corresponding to a portion of the production capacity unused in the first matching operation from the supply data;

classifying the rematched demand data into a plurality of classified demand data records according to at least one attribute of the at least one product and the at least one customer corresponding thereto, the classified demand data having different priorities wherein new customers and manufacturing processes are highest priority, existing customers and new manufacturing processes are next priority, and existing customers and manufacturing processes are lowest priority; and

performing a second matching operation to match the classified demand data with the rematched supply data based on the priorities of the classified demand data to obtain a second demand-supply matching result.

Seye Iwarere

Patent Examiner, Art Unit 3687

United States Patent & Trademark Office
(571) 270-5112

From: McClure, Dan [mailto:Dan.McClure@tkhr.com]
Sent: Friday, May 28, 2010 12:46 PM
To: Iwarere, Oluseye
Subject: Serial No. 10/646,141; Attorney Ref. 252011-1200

Dear Examiner Iwarere:

Thank you for your voice message yesterday, following up in this matter. As you may know, we received the panel decision and in response we proceeded with the filing of an appeal brief. That said, I think the Applicant may be willing to agree to certain amendments, if they will place this application in condition for allowance.

You've requested information about the claimed "demand priorities." The following paragraph is in the specification, in connection with the discussion of FIG. 1. Refer particularly to the last sentence.

The rematched demand data is then classified into classified demand data according to attributes of the corresponding products and customers (step S110). The classified demand data has different priorities. Attributes include new customers and new manufacturing processes of the product, existing customers and new manufacturing processes of the product, and existing customers and existing manufacturing processes of the product. ***In one embodiment, new customers and manufacturing processes are the highest priority, existing customers and new manufacturing processes are next priority, and existing customers and manufacturing processes are the lowest priority.***

I hope this helps. I welcome any suggested amendments that you may propose (feel free to send them by email, as I will ultimately have to get the Applicant's approval - and the Applicant is in Taiwan).

Pursuant to MPEP 502.03: "Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

Dan McClure

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